

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4 are pending the present application. Claims 1-4 are amended without adding new matter by the present amendment.

In the outstanding Office Action, the Information Disclosure Statement (IDS) filed November 21, 2001, was noted as including informalities; Claims 1 and 3 were objected to; and Claims 1-4 were rejected under 35 U.S.C. § 102(b) as anticipated by Nishi et al. (Y. Nishi and M. Murata, "Structural Analysis based on Multiple Agents," July 29, 1999, herein "Nishi").

Regarding the IDS matter, Applicant notes that the name of the author of the Nishi reference was mistakenly stated on the 1449-form as Kyouichi Nishi instead of Yasukazu Nishi, and also the title of the Nishi reference was mistakenly typed in the 1449-form. The name of the author and the title of the Nishi reference were corrected by the Examiner on the 1449-form. Further, in response to the request of the outstanding Office Action at page 7, numbered paragraph 15, Applicant provides with this amendment an English translation of the Nishi reference.

Regarding the objection to the claims, independent Claims 1 and 3 have been amended as suggested in the outstanding Office Action. Accordingly, it is respectfully requested this objection be withdrawn.

Regarding the rejection of Claims 1-4 under 35 U.S.C. § 102(b) as anticipated by Nishi, that rejection is respectfully traversed for the following reasons.

Initially, Applicant notes that Nishi has a date of July 29, 1999, as recognized by the outstanding Office Action at page 3, numbered paragraph 8, while the present application has an effective filing date of July 19, 2000. Accordingly, the date of the Nishi reference is not

more than one year prior to the filing date of the present application and thus, the outstanding rejection cannot be a 102(b) rejection. It is believed that the outstanding Office Action intended to reject Claims 1-4 under 35 U.S.C. § 102(a). Accordingly, Applicant treats the outstanding rejection as a 102(a) rejection.

However, Applicant respectfully submits with the present amendment a Declaration under 37 C.F.R. § 1.132, which states that Mr. Yasukazu Nishi is the sole inventor of the subject matter described in the Nishi reference and Mr. M. Murata is only a presenting author in the Nishi reference. See MPEP § 715.01(c).

Accordingly, it is respectfully submitted the Nishi reference is not prior art.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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